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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| EXAMINER |
|---|
| LEZAK, ARRIENNE M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2143 | |

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-4,6-10 and 12-26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-4,6-10 and 12-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All  b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1.      A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection.  Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114.  Applicant's submission filed on 1 June

2006 has been entered.

2.      Examiner notes that Claims 1, 9 & 16 have been amended, no claims have been

cancelled and Claims 24-26 have been added since issuance of the prior Office Action.

Claims not explicitly addressed herein are found to be addressed within prior Office

Action dated 1 December 2005 as reiterated herein below.

### *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains.  Patentability shall not be negatived by the manner in which the invention
> was made.

4.      Claims 1-4, 6-10, & 12-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Microsoft Passport ™ in view of US Patent 5,966,705 to Koneru.

5.      Regarding Claims 1, 9, 12-14, 16, 17 & 24-26, Microsoft Passport ™ discloses a

system and method for providing information on a plurality of requestors over the

Internet, ("Microsoft Passport: Streamlining Commerce and Communication on the

Web", October 11, 1999 article – Examiner numbered p.18), comprising:

-       storing information on the plurality of users in a database located on a

        cookie management system web server and associating the information

        with a plurality of keys, (Passports), wherein keys, (Passports), are

        assigned, (created), for the user by an assigning functionality, (per

        pending Claim 17), ("Microsoft Passport is committed to Safeguarding

        Security and Privacy" – Examiner numbered p.13-15);

-       receiving a request at the cookie management system web server for

        information on a particular user from one of the requestors over the

        Internet, ("Microsoft Passport is committed to Safeguarding Security and

        Privacy" – Examiner numbered p.13-15);

-       receiving a key corresponding to user data associated with the request at

        the cookie management system web server from the requestor over the

        Internet, the key associated with the request included in a cookie on a

        machine of the particular user wherein the key associated with the request

        was retrieved from the machine of the particular user by the requestor,

        (per pending Claim 12), ("Microsoft Passport is committed to Safeguarding

        Security and Privacy" – Examiner numbered p.13-15);

- using the key(s) associated with the request to retrieve the information on that particular user from the database, (per pending Claim 13), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);

- forwarding the information on that particular user to the one requestor over the Internet, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15);

- wherein receiving a request from a second user's machine, checking for a cookie on the second user's machine, sending a query for an available key when the second user's machine does not contain any cookie, and placing the cookie with the available key on the second user's machine, (first-time sign-in), (per pending Claim 14), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15).

6.      Though Microsoft Passport ™ teaches the use of cookies, ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p. 7 & 15), Microsoft specifies that when a user chooses to "sign-out" of Passport, all Passport-related cookies from all Passport Web sites are deleted to insure unauthorized people are not able to access member information from the same computer.  In other words, though Microsoft Passport ™ teaches temporary cookie storage on the client, it does not specifically teach permanent cookie storage on the client.

7.      Koneru discloses a "globally unique identifier", (GUID), created by a server when

a user <u>first accesses</u> a website, and stored on the client computer as a "cookie". Koneru

additionally teaches the subsequent creation and storage of a database entry, (per

pending Claims 24-26), on the server computer to track the user activity, (Col. 2, lines

43-67; Col. 3, lines 1-10; Col. 4, lines 59-67; Col. 5, lines 1-47; & Claims1-25),

(Examiner notes that "a first access" inherently implies that no cookie exists. Examiner

additionally notes that Applicant's claim language does not enumerate any specific

means by which the requestor "knows" that the cookie is successfully written to the user

machine, and as such, Examiner finds that the requestor obviously knows when and if

the cookie is successfully written to the user machine, as the requestor is the one

writing the cookie to the user machine). Upon user return to the website, the browser

searches local storage to determine if it has a cookie for that website.  If so, the browser

transmits the cookie to the server, (Col. 2, lines 12-67 and Col. 3, lines 1-10).  Koneru

further discloses use of the GUID which also prompts the user for user ID and password

information, which the system stores as a cookie which user ID and password

information is subsequently received by a website each time the user passes the cookie

to the website, (Col. 2, lines 12-67 and Col. 3, lines 1-10).

8.      Moreover, Examiner notes, that Koneru specifically teaches Applicant's claim

limitations, including server-to-server communications wherein the web server database

is accessed using the token received from the client, (Koneru – Claims 1-25; particularly

Claims 1-11).  Additionally, Examiner notes that the combined references clearly and

obviously teach receipt of a user-supplied password and key, wherein the user-supplied

password is obtained from the particular user by the requestor and grants the requestor

permission to use the information the particular user in the cookie management system,

(Koneru – Cols. 1 & 2; & Col. 3, lines 1-10), ("Microsoft Passport is committed to

Safeguarding Security and Privacy" – Examiner numbered p.13-15).

9.      It would have been obvious to one of ordinary skill in the art at the time of

invention by Applicant to substitute the Koneru method of permanent storage of cookie

data on the client within the Microsoft Passport ™ system.  The motivation to combine is

found within the Microsoft Passport ™ use of cookies generally and in the fact that

should a member client not sign off or close the browser, said Passport-related cookies

in theory are never deleted.  For reasons of security, Microsoft Passport ™ teaches the

destruction of cookie data on the client machine, however, retention of the same would

have been an obvious, albeit less secure variation.  Additional motivation to combine is

found in Koneru, which teaches a need for secure storage of user information used for

tracking repeat user website visits, (i.e.: Microsoft Passport), (Koneru - Col. 1, lines 47-

67 & Col. 2, lines 1-47). Thus, Claims 1, 9, 12-14, 16, 17 & 24-26 are found to be

unpatentable over the combined teachings of Microsoft Passport ™ in view of Koneru.

10.     Regarding Claims 2 & 3, the combined teachings of Microsoft Passport ™ in view

of Koneru are relied upon as noted herein.  As noted above, Microsoft Passport ™

discloses the storing of information as a different key(s) (Passport(s)) for each user,

wherein the different keys may represent multiple sets of information pertaining to the

same user, ("Microsoft Passport is committed to Safeguarding Security and Privacy" –

Examiner numbered p.13-15).  Examiner notes that within Microsoft Passport ™, a user

may create multiple Passports using multiple sets of information. Thus, Claims 2 & 3 are found to be unpatentable over the combined teachings of Microsoft Passport ™ in view of Koneru.

11. Regarding Claims 4, 5, 11 & 19, the combined teachings of Microsoft Passport ™ in view of Koneru are relied upon as noted herein. Microsoft Passport ™ further discloses a security means wherein a requestor must be authorized by the user in order to obtain information about the same, (per pending Claims 4, 11 & 19), ("Microsoft Passport is committed to Safeguarding Security and Privacy" – Examiner numbered p.13-15). Examiner finds that the use of a user-supplied password, (per pending Claims 5 & 11), would have been obvious in view of the fact that Microsoft Passport ™ does not allow access to user information without user-controlled authorization, which authorization would obviously include a user-supplied password verification means. Thus, Claims 4, 5, 11 & 19 are found to be unpatentable over the combined teachings of Microsoft Passport ™ in view of Koneru.

12. Regarding Claims 6, 10 and 20, the combined teachings of Microsoft Passport ™ in view of Koneru are relied upon as noted herein. Koneru further discloses the use of ActiveX controls, Java applets and VB Scripts as inserted into HTML documents, (Col. 1, lines 39-46). As Koneru utilizes HTML, Examiner finds that the use of XML for the sending/forwarding of information by the cookie management system would have been obvious. Thus, Claims 6, 10 & 20 are found to be unpatentable over the combined teachings of Microsoft Passport ™ in view of Koneru.

13.    Regarding Claims 7, 15 and 18, the combined teachings of Microsoft Passport ™

in view of Koneru are relied upon as noted herein.  Microsoft Passport ™ further

discloses the receiving of new information on the user from the requestor and updating

the database with the new information, ("Microsoft Passport is committed to

Safeguarding Security and Privacy" – Examiner numbered p.13-16).  Examiner notes

that a user may update Passport profile information at any time.  Moreover, Examiner

finds that emails sent on behalf of participating websites could obviously include

requests for additional or updated user information for a variety of purposes, which

could obviously be used to update or enhance user information.  Thus, Examiner finds

that it would have been obvious for a user or administrator to update user information

per the respective user or website request. Thus, Claims 7, 15 and 18 are found to be

unpatentable over the combined teachings of Microsoft Passport ™ in view of Koneru.

14.    Regarding Claim 8, the combined teachings of Microsoft Passport ™ in view of

Koneru are relied upon as noted herein.  As noted above, Microsoft Passport ™ selects,

(creates), an available key, (Passport), for the user and supplies the same to the

requestor for communication with the user.  Moreover, it is also noted above that within

Microsoft Passport ™, said keys are only temporarily stored on the user's machine as

cookies, whereas, the permanent storage of cookies on a user machine is taught by

Koneru.  Thus, Claim 8 is found to be unpatentable over the combined teachings of

Microsoft Passport ™ in view of Koneru.

15.    Regarding Newly Added Claims 21-23, the combined teachings of Microsoft

Passport ™ in view of Koneru are relied upon as noted herein. As noted above,

Microsoft Passport ™ teaches the use of multiple Passport configured sites, (Microsoft

Passport ™ - p.8), and customized cookie information, (Microsoft Passport ™ - p.15),

wherein it would have been obvious for a user to allow different access to user

information based on amount and type of information, (i.e.: a clothing site would not

need to know user reading preferences). Additionally, Koneru teaches a user-supplied

password/key correspondence, (Koneru - Col. 2, lines 12-67 & Col. 3, lines1-10), user

customization information, (Koneru – Col. 1, lines 60-67 & Col. 2, lines 1-11), and user

ID prompt for access to secure areas, (Koneru – Col. 2, lines 12-26). Thus, in light of

the combined teachings of Microsoft Passport ™ and Koneru, Examiner finds that it

would have been obvious to use only the user-supplied password, (ID), to retrieve the

information on the particular user from the database, wherein the user-supplied

passwords correspond to an amount and type of the information that the particular user

wants the requestor to have. Thus, Claims 21-23 are found to be unpatentable over the

combined teachings of Microsoft Passport ™ in view of Koneru.


### *Response to Arguments*

16.    Applicant's arguments filed 1 June 2006, have been fully considered but they are

not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because

they do not clearly point out the patentable novelty which he or she thinks the claims

present in view of the state of the art disclosed by the references cited or the objections

made. Further, they do not show how the amendments avoid such references or

objections.

17.    Regarding Applicant's prior arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references.  See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).  As noted herein above, Examiner finds that all claim limitations, (both originally

presented and newly amended), are rendered obvious in view of the combined

teachings of Microsoft Passport ™ and Koneru, as noted herein above.

18.    Per Applicant's prior addition of the phrase "cookie management system" to the

claim language, Examiner points out that Applicant has admitted the following,

"Microsoft Passport also teaches that there is direct communication (access) between

the passport server (cookie management system) and the user machine (machine of

the particular user)", (12 April 2005 RCE Remarks section, p.6, lines 16-18), which

admission clearly encompasses the claim language, rendering the same unpatentable.

19.    Regarding Applicant's argument that the combined references do not teach

determination of the existence of a cookie, generation and storage of a cookie upon a

user machine, (if no cookie exists), and subsequent generation and storage of user

cookie information on the cookie management system only after knowing that the

cookie is successfully written on the user machine, Examiner respectfully disagrees. As

noted herein, Koneru discloses a "globally unique identifier", (GUID), created by a

server when a user first accesses a website, and stored on the client computer as a

"cookie". Koneru additionally teaches the subsequent creation and storage of a

database entry, (per pending Claims 24-26), on the server computer to track the user

activity, (Col. 2, lines 43-67; Col. 3, lines 1-10; Col. 4, lines 59-67; Col. 5, lines 1-47; & Claims1-25). Examiner notes that "a first access" inherently implies that no cookie exists. Examiner additionally notes that Applicant's claim language does not enumerate any specific means by which the requestor "knows" that the cookie is successfully written to the user machine, and as such, Examiner finds that the requestor obviously knows when and if the cookie is successfully written to the user machine, as the requestor is the one writing the cookie to the user machine.

20.     Thus, as Examiner has completely addressed Applicant's amendment, and finding Applicant's arguments do not show how Applicant's amendment avoids such references or objections, Examiner hereby maintains the rejection of all claims in their entirety.
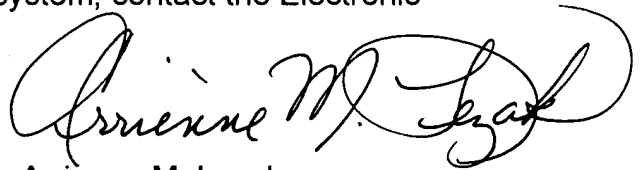
### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (571)-272-3916. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Arrienne M. Lezak
Examiner
Art Unit 2143

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